

# **EXHIBIT B**

Volume I  
Pages 1 - 160

COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

LOUIS P. ALBERGHINI, }  
Complainant }  
VS. }  
SIMONDS INDUSTRIES, INC., }  
Respondent }

DEPOSITION OF LOUIS P. ALBERGHINI, taken at the request of the Respondent, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Karen G. Farragher, RPR and Notary Public in and for the Commonwealth of Massachusetts, on October 23, 2002, commencing at 10:16 a.m., at the offices of Bowditch & Dewey, 311 Main Street, Worcester, Massachusetts.

FOR THE RECORD  
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I N D E X

DEPONENT: LOUIS P. ALBERGHINI

EXAMINATION BY MR. SIGEL

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A P P E A R A N C E S:

FOR THE COMPLAINANT:

MARCIA ELLIOTT, ESQ.  
307 Central Street  
Gardner, Massachusetts 01440

FOR THE RESPONDENT:

BOWDITCH & DEWEY  
311 Main Street  
Worcester, Massachusetts 01608  
BY: JONATHAN SIGEL, ESQ.

ALSO PRESENT: Ilda M. Thibodeau  
David P. Witman

P-R-O-C-E-E-D-I-N-G-S

MR. SIGEL: Usual stipulation?

MS. ELLIOTT: Usual stipulation. He will read and sign.

MR. SIGEL: Okay.

MS. ELLIOTT: Thirty days, waive notary.

MR. SIGEL: Great. So waive objections except as to form of the question at this point.

MS. ELLIOTT: Yes.

MR. SIGEL: The usual, all right.

LOUIS P. ALBERGHINI, SWORN

EXAMINATION BY MR. SIGEL:

Q. Mr. Alberghini, my name is Jonathan Sigel. I represent Simonds Industries in this case and I want to ask you, first of all, if you have any health condition or if you're taking any medications that would impair your memory or ability to testify truthfully at this deposition?

A. No.

Q. Mr. Alberghini, have you ever been deposed before?

A. No.

Q. Just some grounds rules. I'm going to ask you some questions. If there is anything that you

<p>25</p> <p>1 reviewed?</p> <p>2 A. Probably, yes.</p> <p>3 Q. When you say you have applied for</p> <p>4 engineering positions, what types of engineering</p> <p>5 positions have you applied for?</p> <p>6 A. Electrical, some managerial, engineering.</p> <p>7 Q. When you say managerial, you mean to</p> <p>8 supervise engineers; correct?</p> <p>9 A. Uh-huh.</p> <p>10 Q. You have to answer verbally.</p> <p>11 A. Yes.</p> <p>12 Q. So have you applied for any mechanical</p> <p>13 engineering positions?</p> <p>14 A. I haven't.</p> <p>15 Q. Have you applied for any chemical</p> <p>16 engineering positions?</p> <p>17 A. I haven't.</p> <p>18 Q. Have you applied for any positions as</p> <p>19 metallurgist?</p> <p>20 A. No.</p> <p>21 Q. Have you applied for any positions as</p> <p>22 manufacturing engineer?</p> <p>23 A. No.</p> <p>24 Q. Or as product engineer?</p>	<p>27</p> <p>1 qualifications on the resume where it says 16 years in</p> <p>2 a facility management and engineering position.</p> <p>3 Just to break that up, how many years of</p> <p>4 experience did you have in facility management?</p> <p>5 A. About nine.</p> <p>6 Q. And the balance of the 16 years in</p> <p>7 engineering positions?</p> <p>8 A. No.</p> <p>9 Q. Okay, what of the remaining seven years,</p> <p>10 how many years in an engineering position?</p> <p>11 A. Seven years?</p> <p>12 Q. I'm just looking where you say 16 years in</p> <p>13 a facility management and engineering position?</p> <p>14 A. Oh, I'm sorry, 16 years, yes, the rest</p> <p>15 would be in engineering.</p> <p>16 Q. So when you say engineering position, you</p> <p>17 mean electrical engineering; isn't that correct?</p> <p>18 A. No.</p> <p>19 Q. That's not correct?</p> <p>20 A. (The witness shook his head indicating</p> <p>21 no.)</p> <p>22 Q. Okay, what other position besides</p> <p>23 electrical engineering did you hold?</p> <p>24 A. It was project engineering.</p>
<p>26</p> <p>1 A. No.</p> <p>2 Q. That's because the vast majority of your</p> <p>3 qualifications and experience and skills lay with</p> <p>4 electrical engineering; isn't that fair to say?</p> <p>5 A. You could say that on one side, but you</p> <p>6 could also say they require five years of experience</p> <p>7 at doing something mechanical or ten years experience</p> <p>8 at doing something mechanical.</p> <p>9 Q. Well, you were never a mechanical engineer</p> <p>10 in your work experience; were you?</p> <p>11 A. Never considered one but I did the</p> <p>12 mechanical work.</p> <p>13 Q. Well, my question is: Did you ever hold a</p> <p>14 position that was mechanical engineering?</p> <p>15 A. Did I ever hold a position, no.</p> <p>16 Q. Or chemical engineer?</p> <p>17 A. No.</p> <p>18 Q. Or metallurgist?</p> <p>19 A. No.</p> <p>20 Q. Or a product engineer?</p> <p>21 A. No.</p> <p>22 Q. Or a manufacturing engineer?</p> <p>23 A. No.</p> <p>24 Q. If I can direct your attention to under</p>	<p>28</p> <p>1 Q. So the balance would be a combination of</p> <p>2 project engineering and electrical engineering?</p> <p>3 A. Correct.</p> <p>4 Q. I want to direct your attention to near</p> <p>5 the bottom of page one of Exhibit 2, electrical</p> <p>6 engineer, where it says Circular Saw Testing</p> <p>7 Technique, Patent number, et cetera?</p> <p>8 A. Uh-huh.</p> <p>9 MS. ELLIOTT: You have to answer verbally.</p> <p>10 A. Yes.</p> <p>11 Q. Could you please explain that?</p> <p>12 A. Explain what?</p> <p>13 Q. Explain that entry. Let me ask a better</p> <p>14 question. It says that you designed and developed</p> <p>15 electrical control systems.</p> <p>16 Why don't we start with that, if you could</p> <p>17 explain what you mean by that?</p> <p>18 A. Well, if a machine had certain controls on</p> <p>19 it and you wanted to vary the controls or make the</p> <p>20 machine do something else, then you would design and</p> <p>21 you developed and you implemented it.</p> <p>22 There were machines that we had that when</p> <p>23 the grinder came down, the man, the operator would</p> <p>24 have to judge or gauge when it had got to the right</p>



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1 of 2001 until the present, what have you told  
2 prospective employers about the reason you left  
3 Simonds?

4 A. Layoff due to economic conditions. I got  
5 asked that very rarely, but that's the answer that I  
6 gave when I was asked.

7 Q. Was that true?

8 A. That's what they told me.

9 Q. Okay. But you said you have given that  
10 reason at least to some prospective employers; is that  
11 fair to say?

12 A. Yes.

13 Q. My question is: Do you believe that you  
14 were telling the truth when you said that?

15 MS. ELLIOTT: Objection. You can answer  
16 it, if you can, Lou.

17 THE WITNESS: I can answer?

18 MS. ELLIOTT: Uh-huh.

19 A. That's what they told me, so that's what I  
20 told the prospective people. Do I believe that? Yes.

21 Q. Why have you not applied for any  
22 mechanical engineering positions?

23 A. Because most of the mechanical positions  
24 that I read about that are out there require several

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1 years of experience in the mechanical field.

2 Q. Do those --

3 A. It's not because I can't do the job.

4 Q. Do those positions also require a degree  
5 in mechanical engineering?

6 A. Yes.

7 MS. ELLIOTT: Do you have a specific job  
8 in mind or --

9 MR. SIGEL: Well --

10 MS. ELLIOTT: We're talking hypothetical,  
11 I guess. Okay.

12 MR. SIGEL: No, I don't think we are  
13 talking hypothetical.

14 Q. You were referring to mechanical  
15 engineering positions that you have seen advertised;  
16 correct?

17 A. I didn't bring that up.

18 Q. Well, we can go back and check but didn't  
19 you testify that mechanical engineering jobs require  
20 several years of experience that you didn't have?

21 A. When you read them, that's what they say.

22 Q. You weren't talking about hypothetical  
23 mechanical engineering positions; were you? You were  
24 talking about real ones that you have seen; right?

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1 A. Yes.

2 Q. Okay. So my question is don't those  
3 positions that you have seen, require mechanical  
4 engineering degrees?

5 MS. ELLIOTT: Object again. You can  
6 answer it, Lou.

7 A. I'm going to say I don't know because they  
8 don't necessarily say that.

9 Q. Well, that's my question. In other words,  
10 of the ones that you recall seeing advertised,  
11 correct, my question is, have you seen -- you said  
12 that you have seen that they are looking for a number  
13 of years of experience in mechanical engineering?

14 A. Uh-huh.

15 Q. My question is: Do they also, based on  
16 those that you have seen, any or all, also require a  
17 mechanical engineering degree?

18 MS. ELLIOTT: He answered the question.

19 A. You really -- any or all?

20 Q. Any of them?

21 A. You're making a very broad statement. Any  
22 of them? Yes, some of them do. Some of them don't.

23 Q. Have you ever filed any claims or lawsuits  
24 against any other employers?

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1 A. No.

2 Q. Do you know how much unemployment  
3 compensation you have received since the time you have  
4 left Simonds, approximately?

5 A. I'm going to say approximately eight  
6 thousand.

7 Q. When did you apply for a position at  
8 Simonds?

9 A. I think it was 1981.

10 Q. What position did you apply for?

11 A. It was electrical foreman, I believe.

12 Q. What position were you hired into?

13 A. That position.

14 Q. And what year was that?

15 A. 1982.

16 Q. How long did you hold that position?

17 A. Three or four years.

18 Q. If you could, in the most detail possible,  
19 describe your duties and responsibilities in that  
20 position?

21 A. Well, you headed up the electrical crew  
22 and millwrights, the janitors, and you directed the  
23 force, those three forces. I thought there was a  
24 fourth one but I can't remember what it was.

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1 Q. I'm sorry. I didn't hear those three  
2 what?  
3 A. Groups.  
4 Q. Groups?  
5 A. Or forces. I thought there was a fourth  
6 one but I don't remember.  
7 Q. When you say you headed up or directed,  
8 what did you mean by that?  
9 A. Well, as jobs would come in, you needed  
10 persons, you would supply the people.  
11 Q. After that job, what was your next  
12 position at Simonds?  
13 A. Electrical engineer.  
14 Q. And is that a position that you applied  
15 for or were promoted to?  
16 A. Promoted to.  
17 Q. Who promoted you to that position?  
18 A. John Scoball (phonetic).  
19 Q. What was his title, if you recall?  
20 A. No, I don't.  
21 Q. Was he your supervisor when you were  
22 electrical foreman?  
23 A. Yes. Well -- yes.  
24 Q. And if you could, in as much detail as

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1 possible, describe your duties and responsibilities as  
2 electrical engineer?  
3 A. Well, you would design circuits that were  
4 needed. You help the electrical electrician force to  
5 troubleshoot. You we were getting involved in  
6 installing the -- what do you call them electron beam  
7 welder and get that lined up and put into place.  
8 Make sure all the pipes and wires and  
9 everything else were put in place correctly and so on,  
10 so forth.  
11 Q. What was your next position at Simonds?  
12 A. Manager of manufacturing services.  
13 Q. How long were you in that position?  
14 A. I think about nine years.  
15 Q. Just to kind of, for efficiency sake, if I  
16 can direct your attention to Exhibit 2, are these  
17 dates that you held these positions accurate at  
18 Simonds?  
19 A. I believe so.  
20 Q. And were you promoted into that position  
21 or did you apply for it?  
22 A. Promoted.  
23 Q. If you could, in as much detail as  
24 possible, describe your duties and responsibilities in

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1 that position?  
2 A. Well, you were in charge of the  
3 facilities. You managed the facilities. You managed  
4 or I managed a facility engineer, the maintenance --  
5 they call him the unit manager and the environmental  
6 engineer and the day to day operation of the plant,  
7 the facility.  
8 Q. So you supervised three engineers in that  
9 position, your position as manager of manufacturing  
10 services?  
11 A. One of them wasn't an engineer.  
12 Q. Okay. What were the two engineering  
13 positions you supervised?  
14 A. Facilities, facility engineer and the  
15 environmental. He was a methods engineer who was  
16 doing environmentals.  
17 Q. Who was that?  
18 A. Don Hagelburg  
19 Q. Starting with the methods engineer, what  
20 were the duties of that job?  
21 A. Besides environmental engineering or  
22 including?  
23 Q. Including and if you could describe what  
24 you mean by environmental engineering?

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1 A. Well, he made sure that we were  
2 environmentally compliant with the laws of the state  
3 and federal. He checked the waters to make sure they  
4 were clean, that were leaving the plant; make sure oil  
5 spills were taken care of correctly; asbestos, all of  
6 that was in check, correctly taken care of. And,  
7 also, he did methods checking machine speeds, that  
8 kind of stuff.  
9 Q. So he was not a product engineer?  
10 A. No.  
11 Q. And he wasn't a manufacturing engineer?  
12 A. No.  
13 Q. And he didn't have the duties of those  
14 positions; right?  
15 A. No.  
16 Q. And the other engineer you --  
17 A. Facility engineer.  
18 Q. If you could tell me about that position?  
19 A. Well, he took care of the plant, the air  
20 conditioning walls, you know, the whole ball of wax,  
21 whatever facilities things had to be taken care of.  
22 Q. So he was not a product engineer or  
23 manufacturing engineer; right?  
24 A. No.



<p>49</p> <p>1 Q. Nor did he have the duties of those</p> <p>2 positions; right?</p> <p>3 A. Right.</p> <p>4 Q. In fact, at no time in your career have</p> <p>5 you supervised a product engineer; isn't that correct?</p> <p>6 A. Correct.</p> <p>7 Q. And at no time in your career have you</p> <p>8 supervised a manufacturing engineer; is that correct?</p> <p>9 MS. ELLIOTT: Objection.</p> <p>10 MR. SIGEL: You can answer.</p> <p>11 MS. ELLIOTT: You can answer?</p> <p>12 A. I can answer? Correct.</p> <p>13 Q. And at no time in your career have you</p> <p>14 supervised a chemical engineer or metallurgist;</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. I just want to say if you need a break at</p> <p>18 any time, don't hesitate to say. You're not draft</p> <p>19 here. In fact, if you want to take a five minute</p> <p>20 break, now is not a bad time.</p> <p>21 MS. ELLIOTT: Do you need to take one?</p> <p>22 THE WITNESS: No.</p> <p>23 MS. ELLIOTT: No? Want to keep going?</p> <p>24 THE WITNESS: Sure.</p>	<p>51</p> <p>1 not discriminated against, to which you compare</p> <p>2 yourself to and you listed Peter -- I think eventually</p> <p>3 this is corrected but you mean Peter Duperry there;</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. Richard Brault?</p> <p>7 A. Yes.</p> <p>8 Q. And Jeremy Dexter?</p> <p>9 A. Yes.</p> <p>10 Q. Why did you not include Salvatore Santoro?</p> <p>11 A. I didn't know him at the time.</p> <p>12 Q. Did you know Peter Duperry at the time?</p> <p>13 A. Personally, no, but I was told about him.</p> <p>14 Q. Who told you about him?</p> <p>15 A. I don't recall.</p> <p>16 Q. Was it Ron Larsen?</p> <p>17 A. No, no, no, it wasn't.</p> <p>18 Q. Incidentally, are you aware Mr. Larsen has</p> <p>19 filed a lawsuit against Simonds for age</p> <p>20 discrimination?</p> <p>21 A. Yes.</p> <p>22 Q. How did you become aware of that?</p> <p>23 MS. ELLIOTT: Wait. I'm going to object</p> <p>24 to that. Can we have a moment?</p>
<p>50</p> <p>1 MR. SIGEL: Okay. I'd like to mark the</p> <p>2 next exhibit, please. This will be Exhibit No. 3.</p> <p>3 (Alberghini Deposition Exhibit No. 3</p> <p>4 marked.)</p> <p>5 Q. If I could just ask you to review that,</p> <p>6 Mr. Alberghini. Do you recognize that document?</p> <p>7 A. Yes.</p> <p>8 Q. What do you recognize that document to be?</p> <p>9 A. My complaint.</p> <p>10 Q. For the record, this is the Massachusetts</p> <p>11 Commission Against Discrimination complaint intake</p> <p>12 interview form.</p> <p>13 Did you sign this at the M.C.A.D. or in</p> <p>14 your attorney's office? Do you recall?</p> <p>15 A. I think it was in my attorney's office.</p> <p>16 Q. Okay. So is it your recollection that</p> <p>17 this was filed with your complaint?</p> <p>18 A. Yes.</p> <p>19 Q. By complaint, I mean complaint in this</p> <p>20 case, your M.C.A.D. complaint; correct?</p> <p>21 A. Yes.</p> <p>22 Q. If I could direct your attention to about</p> <p>23 three quarters of the way down, it says: Identify</p> <p>24 other persons who were treated differently than you,</p>	<p>52</p> <p>1 MR. SIGEL: Sure.</p> <p>2 (The witness and Attorney Elliott</p> <p>3 conferred off the record outside the hearing room.)</p> <p>4 MS. ELLIOTT: All set.</p> <p>5 MR. SIGEL: Repeat the last question,</p> <p>6 please.</p> <p>7 (The record was read by the reporter as</p> <p>8 requested.)</p> <p>9 A. Ron told me.</p> <p>10 Q. Okay. When did Ron tell you?</p> <p>11 A. I don't know. I don't remember. You're</p> <p>12 talking relative to time. I don't remember.</p> <p>13 Q. Okay. Well, did he tell you before or</p> <p>14 after you filed this claim against the company?</p> <p>15 A. Before.</p> <p>16 Q. Okay. Is that what prompted you to file a</p> <p>17 claim against the company?</p> <p>18 A. No.</p> <p>19 Q. Had you decided at that point that</p> <p>20 Mr. Larsen told you to file suit against the company</p> <p>21 or file a claim against the company?</p> <p>22 A. Could you repeat the question?</p> <p>23 Q. Sure. At the time Mr. Larsen informed you</p> <p>24 of his complaint, had you at that time decided to file</p>

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1 Q. The complaint intake interview form,  
2 Exhibit No. 3?  
3 A. Yes.  
4 Q. And is there anything you wish to change  
5 about it?  
6 MS. ELLIOTT: Objection.  
7 A. No.  
8 Q. Same question on Exhibit No. 4. Did you  
9 read that complaint before you signed it? By the way,  
10 that's your signature on the bottom of Exhibit 3,  
11 right?  
12 A. That's correct.  
13 Q. And on Exhibit 4?  
14 A. Yes.  
15 Q. So it's your signatures, two signatures  
16 that appear on the first page of Exhibit No. 4?  
17 A. Uh-huh.  
18 Q. You have to answer verbally?  
19 A. Yes.  
20 Q. And on the third page of the exhibit?  
21 A. Yes -- oh, no, second page.  
22 Q. This is confusing. It's page two of the  
23 charge of discrimination, but it's the third page of  
24 the exhibit?

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1 A. Yes.  
2 Q. And I'm sorry you said you did read these  
3 before you signed them and before they were filed?  
4 A. Yes.  
5 Q. If I could ask you to review your  
6 complaint and charge of discrimination, Exhibit No. 4,  
7 I'd like to ask you if the substance of those  
8 documents is accurate?  
9 MS. ELLIOTT: Objection.  
10 Q. Strike that. When you signed those, as of  
11 the time that you signed them, were they accurate?  
12 A. Were they accurate at the time I signed  
13 them?  
14 Q. Correct, the statements?  
15 A. Yes.  
16 Q. Is there anything now you wish to change  
17 about the statements in Exhibit No. 4?  
18 MS. ELLIOTT: Objection. You can answer  
19 it, if you can, Lou.  
20 A. No.  
21 Q. Mr. Alberghini, why do you believe you  
22 were laid off in January of 2000?  
23 A. Why do I believe?  
24 Q. Correct.

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1 A. They told me they were eliminating my job  
2 or my level in the company. In other words, there is  
3 a level of management. They said they were  
4 eliminating that all together.  
5 When I came back to work after they laid  
6 me off, came back to work, I found that they didn't  
7 eliminate that level. They just moved somebody else  
8 into that level and that was Tom Scozik and he resumed  
9 my duties.  
10 Q. You say your duties in that position that  
11 you had prior to your layoff in January of 2000?  
12 A. That's correct.  
13 Q. That was what position?  
14 A. Manager of manufacturing services.  
15 Q. So Mr. Scozik took over all of the duties  
16 of that position that you had?  
17 A. Of that position, he didn't take the  
18 position over because they didn't call him that but he  
19 was the facilities manager.  
20 Q. Had there been a facilities manager prior  
21 to your layoff?  
22 A. I don't know what his position was, what  
23 they called him.  
24 Q. But do you recall if that position existed

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1 at Simonds, facilities manager, prior to your layoff  
2 in January of 2000?  
3 A. I'm not sure.  
4 Q. Was he the only one that assumed your  
5 responsibilities of your last job prior to your  
6 January 2000 layoff?  
7 A. When I was laid off, I was told that my  
8 duties would be taken over by the plant manager. That  
9 was John Jordan. When I came back, I found that  
10 wasn't so. Tom was handling all of my duties.  
11 Q. Okay. And did you complain about that in  
12 any way?  
13 A. No.  
14 Q. Why not?  
15 A. Because I had a job. Because I was  
16 working.  
17 Q. Did you think it was unfair that  
18 Mr. Scozik was in that position and you weren't given  
19 that position?  
20 A. Did I feel that?  
21 Q. Yes?  
22 A. Yes.  
23 Q. Why?  
24 A. Because that was my job prior to him. I



<p>69</p> <p>1 did all those things.</p> <p>2 Q. Were you told why he was in that position</p> <p>3 and why you were not given that position?</p> <p>4 MS. ELLIOTT: Objection. You can answer,</p> <p>5 if you can.</p> <p>6 A. I didn't make any waves. I had a job. I</p> <p>7 was back to work. I enjoyed working at Simonds. I</p> <p>8 liked working there. And I liked the job I was doing.</p> <p>9 Project engineer was very interesting and it piqued</p> <p>10 me. That's why I didn't complain. He took over my</p> <p>11 jobs and, in fact, he was coming in and asking me</p> <p>12 about the job that he was doing, the job that I was</p> <p>13 doing before and that's how I knew.</p> <p>14 Was I mad? Yeah, a little bit. It takes</p> <p>15 a lot out of you when you get laid off, you know, then</p> <p>16 I was elated when I came back, but I did know that</p> <p>17 they didn't eliminate that position. They just moved</p> <p>18 all my job duties to him.</p> <p>19 Q. Okay, that's fine although it didn't</p> <p>20 answer my question. My question was: Were you told</p> <p>21 why he was doing that position and why you were not</p> <p>22 offered that position of facilities manager?</p> <p>23 A. No.</p> <p>24 Q. Did you have or do you have now any belief</p>	<p>71</p> <p>1 selecting Mr. Scozik was based on his age versus your</p> <p>2 age, selecting him for that facilities manager</p> <p>3 position?</p> <p>4 A. Yes.</p> <p>5 Q. What do you base that opinion on?</p> <p>6 A. Just the facts.</p> <p>7 Q. What facts?</p> <p>8 A. The fact he is younger than I was. That</p> <p>9 was my position before and I should have got it back.</p> <p>10 I think they did -- if I remember correct, there was</p> <p>11 something said that we didn't drop down in level.</p> <p>12 In other words, I could not go back and</p> <p>13 apply for a job that was below my level if you can --</p> <p>14 you know, the level in the hierarchy or whatever you</p> <p>15 want to call it, all right. That was, if I remember</p> <p>16 correct, that was one of the statements made.</p> <p>17 Q. Do you know how old Mr. Scozik is?</p> <p>18 A. No, I don't.</p> <p>19 Q. Do you know how many years younger than</p> <p>20 you he is?</p> <p>21 A. No.</p> <p>22 Q. But you're sure he is younger than you?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know if he is in his forties?</p>
<p>70</p> <p>1 as to why he was selected for that and not you?</p> <p>2 MS. ELLIOTT: Do you know what he is</p> <p>3 asking you?</p> <p>4 A. No. Please ask it again, you know. Go</p> <p>5 ahead.</p> <p>6 MR. SIGEL: Repeat the question, please.</p> <p>7 (The record was read by the reporter as</p> <p>8 requested.)</p> <p>9 A. Because they made the statement that they</p> <p>10 were eliminating my level and they were going to put</p> <p>11 all my jobs or projects or whatever you call them,</p> <p>12 under the plant manager but he couldn't handle -- the</p> <p>13 plant manager couldn't handle all that work. There is</p> <p>14 no way that he could do all of that. So they had to</p> <p>15 give it to someone else to handle.</p> <p>16 Why they didn't keep me and let him go?</p> <p>17 Because he wasn't at that level.</p> <p>18 Q. At what level?</p> <p>19 A. At the level I was at. When they say they</p> <p>20 were going to take this level out and remove it, they</p> <p>21 had to do that or there would be discrimination</p> <p>22 charges against them, if there was age involved and</p> <p>23 there was age involved and they knew that.</p> <p>24 Q. So do you believe their reason for</p>	<p>72</p> <p>1 A. I don't think so. If you want me to guess</p> <p>2 how old I believe he is, mid '50s maybe, early '50s.</p> <p>3 Q. Okay. And you believe that the basis of</p> <p>4 the company's decision to put him into that position</p> <p>5 and not you was because he was younger than you?</p> <p>6 A. No, what I said was they had to eliminate</p> <p>7 a level and when they said they were eliminating that</p> <p>8 level, all those projects would be put under the plant</p> <p>9 manager's job and there is no way the plant manager</p> <p>10 could handle that job. So they took all my projects</p> <p>11 and gave them to Tom, instead of hiring me back and</p> <p>12 into that position.</p> <p>13 Q. So is your answer no, you don't believe it</p> <p>14 was based on age?</p> <p>15 MS. ELLIOTT: Objection.</p> <p>16 A. At that time, I didn't believe it at that</p> <p>17 time, no.</p> <p>18 Q. Do you believe it now?</p> <p>19 A. No.</p> <p>20 Q. In January of 2000, the company underwent</p> <p>21 a reduction in force; correct?</p> <p>22 A. Yes.</p> <p>23 Q. There were others laid off in January of</p> <p>24 2000 besides you; is that right?</p>



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1 A. That's correct.

2 Q. That's not just in the Fitchburg facility  
3 but throughout the company?

4 A. Yes, I believe it was. I wasn't privy to  
5 that but I believe it was.

6 Q. Did the company undergo at that time a  
7 reorganization?

8 A. I don't know. Did they go into a  
9 reorganization?

10 Q. Exactly. In other words, you were laid  
11 off in January 2000. My question is, if you know, at  
12 that time whether that was the result of  
13 reorganization in the company?

14 A. If reorganization means eliminating a  
15 level, yes.

16 Q. Okay, do you think that was a legitimate  
17 reorganization?

18 A. No.

19 Q. Why not?

20 A. Because there is no reason why they  
21 couldn't have given us the jobs that we previously  
22 held or, you know, or if you were at that level, there  
23 was no reason why you couldn't go down to an  
24 engineering level or to the facilities engineer. No

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1 reason why you couldn't go down to that, if that's  
2 what you're asking.

3 Q. Okay, so is it your understanding that  
4 there was any kind of a bumping policy or practice?  
5 Do you know what I mean by that?

6 A. If you're talking union bumping, is that  
7 what you mean?

8 Q. I mean, nonunion actually. When you --  
9 you said there was no reason why you couldn't have  
10 gone down to another level.

11 Wouldn't you have had to bump someone else  
12 who would have been in the company, that position that  
13 you're talking about?

14 A. I don't know if I would call it bumping.  
15 It was like if I was head of facility management, I  
16 headed up the field, I was the manager of  
17 manufacturing services, the engineer worked underneath  
18 me, the facility engineer, the maintenance engineer or  
19 night maintenance foreman or manager and whatnot.

20 If they are going to eliminate my level,  
21 there is no reason why I couldn't do the facility  
22 manager's job, right? He's underneath me. I should  
23 be able to do it.

24 Q. Okay. So was it your understanding that

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1 based on seniority, that you had a right to that  
2 position?

3 A. I don't know if seniority would go into  
4 it. It was just the right thing to do. If I could  
5 handle the job and I've been there 20 or 30 years,  
6 there is no reason why I couldn't do the job.

7 Q. So and my question was: Do you believe  
8 the reorganization was legitimate?

9 I guess let me ask you first: Is it fair  
10 to say that you didn't agree with the reorganization?

11 A. Correct.

12 Q. Now, when I say do you believe whether the  
13 reorganization was legitimate, whether you agree or  
14 disagree with it, do you believe that the company, in  
15 fact, did that reorganization for what it believed to  
16 be a legitimate reason?

17 MS. ELLIOTT: Objection. He already  
18 answered that question.

19 Q. Well, you answered the question, when I  
20 asked you whether it was legitimate or not. We can go  
21 back, listen to your question but you basically  
22 answered it to the effect that you didn't agree with  
23 it. That was my understanding of your answer?

24 A. Uh-huh.

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1 Q. What I'm trying to understand is whether  
2 you think, in undertaking this reorganization in  
3 January of 2000, whether it was -- let me ask this a  
4 different way. Whether it was a real reorganization  
5 or was it merely, in your opinion, a pretext to get  
6 rid of older employees?

7 A. That's what it appeared to me to be,  
8 appears to me to be now.

9 Q. So you thought that at the time, the  
10 company, in January of 2000, sought to get rid of  
11 older employees; is that fair to say?

12 A. That's what it looks like now, yes, to me.

13 Q. At the time you didn't believe that  
14 though; right?

15 A. Right.

16 Q. In fact -- I'm sorry.

17 A. Go ahead.

18 Q. In fact, you were rehired very shortly  
19 thereafter; right?

20 A. That's right.

21 Q. Are you aware of other older employees who  
22 were brought back to the company besides you, at that  
23 time, after being laid off?

24 MS. ELLIOTT: What time are you referring